

KAZEROUNI LAW GROUP, APC
Abbas Kazerounian, Esq. (SBN: 249203)
ak@kazlg.com
Ryan L. McBride, Esq. (SBN: 297557)
ryan@kazlg.com
245 Fischer Avenue, Unit D1
Costa Mesa, CA 92626
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

KAZEROUNI LAW GROUP, APC
Jason A. Ibey, Esq. (SBN: 284607)
jason@kazlg.com
321 N. Mall Drive
Suite R108
St. George, UT 84790
Telephone: (800) 400-6808
Facsimile: (800) 520-5523

Attorneys for Plaintiff,
Gregory Franklin

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

GREGORY FRANKLIN,
individually and on behalf of all
others similarly situated,

Plaintiff,

v.

OCWEN LOAN SERVICING,
LLC,

Defendant.

Case No.: 3:18-cv-03333-SI

**NOTICE OF MOTION AND
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT AND
CERTIFICATION OF
SETTLEMENT CLASS**

Date: February 4, 2022

Time: 10:00am

Courtroom: 1, 17th Floor

Judge: Hon. Susan Illston

Complaint Filed: June 5, 2018

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 4, 2022, at 10:00 a.m., before the United States District Court, Northern District of California, Courtroom 1 – 17th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102, plaintiff Gregory Franklin (“Plaintiff”) will move this Court for an order granting preliminary approval of the proposed class action settlement reached with defendant Ocwen Loan Servicing, LLC (“Defendant”), pursuant to Fed. R. Civ. P. 23, concerning alleged violations of California’s Invasion of Privacy Act, California Penal Code § 632.7.

Plaintiff will move the Court to certify for settlement purposes a California-only Class, pursuant to Fed. R. Civ. P. 23(b)(3) and the proposed Settlement Agreement, defined as follows:

All persons in California whose cellular telephone conversation on at least one outgoing call from Defendant was recorded by Defendant and/or its agent/s without that person’s consent within the Class Period.²

Excluded from the Class are: (i) individuals who are or were during the Class Period officers or directors of Defendant in the Litigation or any of its respective Affiliates; (ii) the District Judge and any Magistrate Judge assigned to the case, their spouses, and persons within the third degree of relationship to either of them, or the spouses of such persons; and (iii) all persons who file a timely and proper request to be excluded from the Class.

This motion is made pursuant to the Fed. R. Civ. P. 23(b)(3), on the grounds that the Fed. R. Civ. P. 23 requisites are satisfied for settlement purposes. This motion is based upon this notice, the accompanying memorandum of points and authorities, the declarations and exhibits thereto, the First Amended Complaint, the

² Class Period consists of the period beginning November 1, 2015 and ending November 30, 2015, inclusive.

1 proposed Settlement Agreement and exhibits thereto, all other pleadings and
2 papers on file in this action, and upon such other evidence and arguments as may
3 be presented at the hearing on this matter.

4 This motion is unopposed by Defendant.

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6 Dated: December 28, 2021

Respectfully Submitted,

7 **KAZEROUNI LAW GROUP, APC**

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9 By: /s/ Abbas Kazerounian
10 Abbas Kazerounian, Esq.
11 *Attorneys for Plaintiff*
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